

## CHAPTER ONE. ORGANIZATION, FUNCTIONS AND GENERAL PROVISIONS

### Subchapter Five. Guidelines for Publication of the *LiveWire* Newsletter

#### 1.05.010. Statement of Purpose and Use.

a. The Town shall publish and distribute to all residents and businesses located in the Town of Colma a monthly newsletter containing information about events and activities that are conducted, sponsored or supported by the Town of Colma; information about events and activities that are conducted for the principal benefit of residents or businesses in the Town; articles about the history of the Town of Colma; articles that promote the safety, health or welfare of Colma residents; and jobs available for Colma residents at businesses located in the Town.

b. It is not the purpose of the newsletter to serve as a forum for the free exchange of ideas or to provide advertising for businesses.

**1.05.020 Editor.** The City Manager shall act as editor of the newsletter and shall, subject to these Guidelines, have sole and absolute discretion over the content of information published in the newsletter. Except as otherwise stated in these Guidelines, all copy shall be authored, created, and edited by or under the supervision of the City Manager. Nothing herein shall give the right to any person to have any copy published in the *LiveWire*, either in form or substance.

**1.05.030 Guidelines Only Directory.** These Guidelines are directory, not mandatory. Failure of the Town to adhere to the Guidelines shall not be grounds for a legal action against the Town.

**1.05.040 General Restrictions.** The *LiveWire* newsletter may not:

- a. Promote any candidate for public office at the local, state, or national level;
- b. Include or feature any topic not encompassed within the purpose of the

newsletter;

c. Advertise any commercial venture, sale, enterprise or activity;

d. Include any material that is false, misleading, deceptive or offensive to the moral standards of the community, or contrary to good taste;

e. Include any material that disparages, either pictorially, graphically or otherwise, any person;

f. Publish letters from readers.

#### 1.05.050 Elected Officials.

a. The *LiveWire* newsletter may not include the name, office, photograph, signature, or other reference to any elected official, or single out the elected official by the manner of display of his or her name or office in the layout of the document, such as by headlines, captions, type size, typeface, or type color.

b. Notwithstanding the foregoing, the *LiveWire* may include an elected officer's name and city phone number in the heading or masthead provided that the names of all elected officers must appear in the same type size, typeface, type color, and location.

#### 1.05.060 Businesses.

a. The *LiveWire* may not include the trademark, service mark or logo of any business, or single out the business by the manner of display of its name in the layout of the document, such as by headlines, captions, type size, typeface, or type color.

b. The *LiveWire* may not publish the name or location of a business except as follows:

- i. The *LiveWire* may publish the name and location of a business in connection with an offer made by any governmental agency or any 501(c)(3) charitable organization of goods or services, where information about the name or location of the business is necessary to a complete understanding of how, when, or where the goods or services may be obtained;
  - ii. The *LiveWire* may publish the name and location of a business in connection with an offer by such business of goods or services for the benefit of Colma residents only, where the offer is not a promotion of the business, and the goods or services may be fully received and enjoyed without payment of any monetary consideration of any kind by the resident.
- c. Examples of Permissible References. Each of the following references to a business in the *LiveWire* is permissible:
- i. "The Colma Police Department will be doing fingerprinting of children at the [name of business] parking lot." [Comment: The notice is permissible because the service is offered by the Police Department and the location of the service is necessary to direct the residents to the offer itself (see ¶ 6.b.i).]
  - ii. "TUV Company will be offering free Christmas dinners for residents." [Comment: The notice is permissible because the dinner may be fully received and enjoyed without payment of any monetary consideration of any kind by the resident.]
- d. Examples of Impermissible References. None of the following references to a business in the *LiveWire* is permitted:
- i. "WXY Store will offering free gift-wrapping services [or, a 10% discount] to Colma residents at its store." [Comment: The notice is not permissible because the offer is promotional in nature, and the gift-wrapping service or discount is tied into purchases being made by the recipient. (see, ¶ 6.b.ii).]
  - ii. "DOE Company will be offering a free first aid kit to anyone who visits the store next Saturday." [Comment: The notice is not permissible because the offer is promotional and is being made to everyone, not just Colma residents.]
- 1.05.070 Announcements.** The *LiveWire* may include a brief announcement of a meeting or activity provided that the following criteria are met:
- a. The announcement is requested by an organization
    - i. that is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code; or
    - ii. whose members are, in the majority, residents of the Town of Colma;
  - b. The organization placing the announcement is not then engaged in, and has not, within the twelve months next preceding the announcement, engaged in, campaigning for the election of any person to local, state or federal election, or for or against any political cause, or

for or against any legislative or popular measure, initiative, or bill; and

c. The announcement is limited to the identity of the organization and the time and place of the meeting, without any mention of the subject matter of the meeting.